

VOL: I
PAGES: 1-201
EXHIBITS: 1-7

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *
SHEILA J. PORTER, *
Plaintiff *
-vs- * Civil Action
ANDREA CABRAL; SUFFOLK COUNTY * No. 04-11935-DPW
SHERIFF'S DEPARTMENT; SUFFOLK *
COUNTY and CORRECTIONAL MEDICAL *
SERVICES, INC., *
Defendants *
* * * * *

DEPOSITION OF ANDREA CABRAL, ESQUIRE, a witness
called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Friday, May 6, 2005, commencing at 9:40 a.m.

McLAUGHLIN & ASSOCIATES COURT REPORTERS
92 DEVIR STREET, SUITE 304
MALDEN, MASSACHUSETTS 02148
781.321.8922
WWW.E-STENOGRAPHER.COM

1 issue concerning Miss Porter's conduct
2 surrounding Mr. Rosario's allegation?

3 A I recall a conversation with Elizabeth
4 Keeley.

5 Q Who is she?

6 A She's the chief of staff.

7 Q When was that conversation?

8 A That was just before June 10th. I can't
9 recall if it was a day before, two days
10 before or even on June 10th, but it was
11 within a very short time frame between
12 June 10th. Maybe a day or two before.

13 Q Was it an in-person meeting?

14 A My recollection is that it was a telephone
15 meeting, but our offices are right across the
16 hall. And it would not have been unusual for
17 one of us to stick our head in the door.

18 Q Did anyone else participate in that meeting
19 or phone call?

20 A No.

21 Q Did you have any contact with anyone on this
22 topic, between the Victor Theiss meeting and
23 whatever contact you had with Miss Keeley,
24 which may be on or the day before June 10th?

1 A No, not to my recollection.

2 Q What were the circumstances under which this
3 issue was raised with you on either June 9th
4 or June 10th?

5 A I received -- I believe it was a phone call
6 from Elizabeth Keeley. There were probably a
7 couple of other departmental matters that we
8 discussed, and she asked me what my response
9 was going to be to the issue involving Sheila
10 Porter. My recollection is that I sort of
11 spoke my thoughts out loud. I said she's the
12 nurse who did not document and used the
13 medical form in a confidential report, didn't
14 submit a confidential report, and I sort of
15 gave a litany. I said I believe that she
16 should be barred from the institution.

17 Q Your memory is that Miss Keeley initiated the
18 call or the meeting?

19 A That's my memory of it, yeah.

20 Q She initiated with an inquiry as to what you,
21 Andrea Cabral's, response to the report about
22 Miss Porter was going to be?

23 A She didn't initiate it that way.

24 Q Just give us your best memory of what you

1 said to her and what she said to you.

2 A It's not unusual for me to receive a phone
3 call from Elizabeth or to have a meeting with
4 Elizabeth where there are a list of things
5 that require my decision. It's not unusual
6 to go through that list: What are we going
7 to do here, what are we going to do here or
8 here. This was in -- this conversation to my
9 recollection was in the nature of that. This
10 was one of the dozens of decisions that were
11 probably made that day. In that
12 conversation, this was one of those things.

13 Q As to that one of those things, what did she
14 say to you and what did you say to her?

15 A My best memory is that she said to me either
16 what is your decision on Sheila Porter or
17 have you decided what the result is going to
18 be on Sheila Porter. I responded with sort
19 of articulating my recollection of what the
20 issues and the problems were and then giving
21 her my decision.

22 Q If you could please just not summarize it for
23 me, but give me your best memory of what you
24 articulated the problems to be. Just tell me

1 what your best memory is what she said to you
2 and what you said to her.

3 A My best memory is, "She's the nurse that on
4 the Rene Rosario matter who did not document
5 her observations in the medical record. We
6 asked for a confidential report. We didn't
7 receive one until ten days later. The report
8 was backdated." I may or may not have
9 said -- actually articulated that it was done
10 on the medical record form. I believe
11 Elizabeth said yes or evidenced some
12 agreement of what I said.

13 My response was, "I believe she should
14 be barred," and I then said what is the
15 usual -- "how do we usually handle this," or
16 how is this handled," in other words, what is
17 the process.

18 Q What did she say?

19 A I believe she said that she would check and
20 get back to me. I don't have a memory that
21 she knew at the time exactly how it should
22 be. I'm not positive about that. I think
23 she said she had to get back to me. That's
24 my best memory.

1 whether or not -- I don't recall whether or
2 not she even got back to me.

3 Q Give me a complete statement, if you would,
4 of the reasons why you concluded or decided
5 to give the order to bar Miss Porter.

6 A She's a nurse working at the House of
7 Correction; pursuant to our contract with CMS
8 is told by an inmate that the inmate has been
9 abused and beaten by an officer, alleges that
10 there is physical evidence of those bruises.
11 The nurse does not document in the medical
12 record her observations of what was relayed
13 to her by the patient.

14 Upon our discovery that these
15 allegations have been made and our discovery
16 that she, in fact, was one of the first
17 people to whom the allegations had been
18 reported, we request a confidential report.
19 The confidential report is not submitted in a
20 timely manner. It is received by us ten days
21 subsequent to it being requested. It is not
22 in memo form to Deputy Superintendent
23 Mastrorilli, to whom the report should have
24 been addressed, from Sheila Porter. It is on

1 a medical record form, which has particular
2 significance to me and it is dated on the
3 date of the incident in the space reserved
4 for the date as though that's when the
5 treatment was rendered.

6 Q Those are your entire reasons?

7 A Those were my reasons.

8 Q And it's your testimony that it had nothing
9 to do with the fact that Miss Porter spoke to
10 the FBI?

11 A No.

12 Q Did you understand or assuming these are your
13 reasons --

14 MS. CAULO: Objection. She just
15 testified that those were her reasons.

16 Q What is it in the policies of the Sheriff's
17 Department that makes any of these statements
18 of reasons that you have given a basis under
19 which someone can be barred from the
20 facility?

21 A If I can refer to Exhibit 1?

22 Q Sure.

23 A Just going through the policy, certainly
24 under policy statements on Page 1, first, I

1 A I knew that Miss Porter had provided
2 information to an FBI agent. I did not know
3 that Miss Porter was an informant.

4 Q I think I used the word, cooperated, with,
5 but you knew she had cooperated in terms of
6 wiring up Rene Rosario and you knew she had
7 provided information to the FBI. Is there
8 anything else you knew?

9 A No, I knew that she had provided information
10 to the FBI, but it was not -- her wiring of
11 Rene Rosario was not significant to me. It's
12 not unusual in law enforcement to have a
13 medical person do something like that to make
14 sure that it can be done in a safe and
15 confidential area and to make sure no harm
16 comes to the person in the course of them
17 buying wired.

18 For all I knew, this was a one-time
19 provision of information with regard to his
20 allegations. It was not unusual at all to
21 me. We use nurses all the time to do various
22 things, to take samples and so forth in the
23 context of criminal investigations to that
24 they're done well.